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August 2, 2023

VIA ECF

Honorable William J. Martini
Senior United States District Judge
King Fed. Bldg. & United States Courthouse
50 Walnut St., P.O. Box 419
Newark, New Jersey 07101-0419

Re: *In Re Fragrance Direct Purchaser Antitrust Litigation*
Civil Action No. 2:23-cv-2174-WJM-JBC
REQUEST FOR LEAVE TO FILE REPLY TO CROSS-MOTION

Dear Judge Martini:

We represent Crimson Candle Supplies, Inc., plaintiff in one of the many fragrance-related matters currently pending before this Court. Pursuant to Local Rule 7.1(h), we respectfully request leave to file the attached 6-page reply in further support of our cross-motion to be appointed lead counsel.* The reply is necessary to address several issues and misstatements raised for the first time in the opposition to our cross-motion.

That is, a large group of counsel (the “Price-Fixing Group”) previously banded together to file an “unopposed” motion to be appointed lead counsel. *See* Case No. 23-cv-2174, Dkt. 32. But we filed a timely opposition to that “unopposed” motion. *See* Dkt. 44-1. At the same time, we timely cross-moved to instead have ourselves (the “Market-Allocation Group”) be appointed lead counsel. *See id.* The original Price-Fixing Group recently filed a single brief that serves nominally as a reply in support of their original motion, but primarily as an opposition to our cross-motion. *See* Dkt. 46.

Because of this procedural history, many issues and false assertions have now been raised for the first time, which we have not had the opportunity to be heard on. For instance, as expounded upon in our proposed reply: (1) the Price-Fixing Group for the first time falsely accuses us of being “forsworn” to only pursue one claim going forward; (2) the Price-Fixing Group for the first time falsely claims there is “no authority” enabling the Court to consider the comparative quality of counsel’s investigations; and (3) the Price-Fixing Group for the first time vaguely refers to “protocols” that would be used to keep the inefficiencies of their dozen-firm support-group in check. Given the importance the appointment of counsel will have on the case going forward, we feel compelled to request leave to address these matters so the Court can decide on a full and accurate record

Thank you for Your Honor’s consideration of this request.

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Respectfully,



Eric T. Kanefsky, Esq.,
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Encl.

cc: Counsel of Record (via ECF)

*Plaintiff's Request to file a reply brief is **GRANTED**. The reply brief appearing at ECF No. 47-1 may be filed on the docket on or before **August 11, 2023**.

SO ORDERED.

s/Jessica S. Allen
United States Magistrate Judge

Dated: August 9, 2023